

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 08-0479 RB/KBM
CR 04-0852 RB

ALEJANDRO ESPINOZA,

Defendant.

ORDER

This matter is before the Court pursuant to an order of remand from the Court of Appeals for the Tenth Circuit (CV Doc. 140; CR Doc. 211) directing this Court to consider the merits of certain arguments made by Defendant in his Motion to Set Aside Judgment (CV Doc. 120; CR Doc. 194) filed on March 17, 2014. The order of remand identifies the three arguments as “judicial bias for failing to rule on all of [Defendant’s] properly raised claims” (CV Doc. 120 at 5), “violation of his Sixth Amendment right to effective assistance of counsel related to his right to be present during all critical stages of his trial” (CV Doc. 120 at 6), and “violation of his Sixth Amendment right to effective assistance of counsel related to his right . . . to be consulted before counsel waived his right to testify and present any witnesses” (CV Doc. 120 at 5). The Court will order a response to the motion.

IT IS THEREFORE ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant’s Motion to Set Aside Judgment (CV Doc. 120; CR Doc. 194), and supporting papers and exhibits (CV Doc. 121; CR Doc. 195), together with a copy of this Order;

IT IS FURTHER ORDERED that the United States is directed to file and serve a response to Defendant's Motion to Set Aside Judgment within 23 days of the entry of this Order, specifically addressing the three arguments identified in the order of remand and Plaintiff shall have 17 days after the response is filed to file a reply, if any.


UNITED STATES CHIEF MAGISTRATE JUDGE